

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

William Francis, Jr.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No.07-015-JJF
	)	Jury Trial Demanded
Correctional Medical Services, Inc., et al,	)	
	)	
Defendants.	)	

**DEFENDANTS' MOTION FOR LEAVE TO TAKE DEPOSITION OF PLAINTIFF**

Defendants, Thomas Carroll, Stan Taylor and Joyce Talley, by undersigned counsel, hereby move for leave of Court pursuant to Federal Rule Civil Procedure 30(a)(2) and Local Rule 30.1 to take the deposition of Plaintiff, William Francis, Jr., by oral examination, who is confined in the Delaware Correctional Center, Smyrna, Delaware in order for Defendants to obtain discovery regarding matters relevant to their defense.

Since the Plaintiff in this action is an unrepresented prisoner incarcerated in the Delaware Correctional Center, and is unable to be reached by telephone and other contact is impractical, counsel has spent no time attempting to reach an agreement on the subject of the motion.

WHEREFORE, Defendants Carroll, Taylor and Talley respectfully request that the deposition by oral examination of Plaintiff, William Francis, Jr., be taken on Wednesday, June 18, 2008 at 10:00 AM at the Delaware Correctional Center, Smyrna, Delaware and same be taken before a person authorized to administer oaths pursuant to Rule 28 of the Federal Rules of Civil Procedure. The deposition will be recorded by stenographic means.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Ophelia M. Waters  
Ophelia M. Waters, I.D. #3879  
Deputy Attorney General  
Carvel State Building  
820 N. French Street, 6<sup>th</sup> Floor  
Wilmington, DE 19801  
(302) 577-8400

Dated: April 29, 2008

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

William Francis, Jr.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No.07-015-JJF
	)	Jury Trial Demanded
Correctional Medical Services, Inc., et al,	)	
	)	
Defendants.	)	

**ORDER**

Upon State Defendants' Motion For Leave to Take Deposition of Plaintiff (the "Motion"); and it appearing that good and sufficient notice of the Motion has been given; and after due deliberation thereon:

**IT IS HEREBY ORDERED** as follows:

The Motion is **GRANTED**.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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The Honorable Joseph J. Farnan, Jr.  
United States District Court Judge

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Plaintiff,	)	
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	)	Jury Trial Demanded
Correctional Medical Services, Inc., et al,	)	
	)	
Defendants.	)	

**7.1.1 CERTIFICATE OF COUNSEL**

Undersigned counsel hereby certifies, pursuant to Local Rule 7.1.1, that:

1. Plaintiff, William Francis, Jr., is currently incarcerated and it is not practical for undersigned counsel to communicate with him concerning Defendants' Motion for Leave to Depose Plaintiff.
2. Therefore, undersigned counsel assumes that the Motion is opposed.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Ophelia M. Waters

Ophelia M. Waters, I.D. No. 3879  
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Carvel State Office Building  
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Wilmington, DE 19801  
(302) 577-8400  
ophelia.waters@state.de.us  
Attorney for Defendants

Dated: April 29, 2008

**CERTIFICATE OF SERVICE**

I hereby certify that on April 29, 2008, the undersigned caused the attached *Defendants' Motion For Leave to Depose Plaintiff* to be filed with the Clerk of Court using CM/ECF and delivered to the following person(s) in the form and manner indicated:

**NAME AND ADDRESS OF RECIPIENT(S):**

William Francis, Jr.  
SBI #264560  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

**MANNER OF DELIVERY:**

- ☐ One true copy by facsimile transmission to each recipient
- ☒ Two true copies by first class mail, postage prepaid, to each recipient
- ☐ Two true copies by Federal Express
- ☐ Two true copies by hand delivery to each recipient

/s/ Ophelia M. Waters  
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